

261597

NHTSA-2003-16356-5

**MAYER, BROWN, ROWE & MAW LLP**

1909 K Street, N.W.  
Washington, D.C. 20006-1101

DEPT. OF TRANSPORTATION  
DOCKETS

2003 DEC 12 P 2:00

Adam C. Sloane  
Direct Dial (202) 263-3269  
Direct Fax (202) 263-5269  
asloane@mayerbrownrowe.com

Main Telephone  
(202) 263-3000  
Main Fax  
(202) 263-3300

December 12, 2003

BY FACSIMILE

Coleman Sachs, Esq.  
Office of Vehicle Safety Compliance  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Re: Comments of Ferrari North America, Inc., regarding Docket No. NHTSA-2003-16356, Petition of G&K Automotive Conversion, Inc. for a Decision that Nonconforming 2002 and 2003 Ferrari 575 Passenger Cars are Eligible for Importation

Dear Mr. Sachs:

Through its undersigned counsel, Ferrari North America, Inc. ("FNA") hereby submits its comments in the above-referenced proceeding. FNA, together with personnel from Ferrari SpA, has reviewed the petition submitted by G&K Automotive Conversion, Inc. ("G&K"), and has analyzed the differences between nonconforming and U.S.-certified 2002 and 2003 Ferrari 575 passenger cars.

Based on this analysis, it is clear that nonconforming 2002 and 2003 Ferrari 575s can be brought into compliance with all applicable Federal Motor Vehicle Safety Standards *only* if G&K and other Registered Importers seeking to import these cars perform the extensive modifications outlined in G&K's petition and in the Federal Register notice announcing receipt of the petition (68 Fed. Reg. 61549, 61550-61551 (Oct. 28, 2003)). In particular, the interests of motor vehicle safety require that the inspections and modifications necessary to assure conformity to standards 208, 209, 225, and 301 be performed with the utmost care and exactitude, and that any components relating to these standards that are not identical to the U.S.-model components be replaced with U.S.-model components.

As the agency is aware from comments submitted by or on behalf of FNA in other import eligibility proceedings, it has come to FNA's attention that some "gray market" Ferrari cars have *not* been properly modified to conform to all applicable Federal Motor Vehicle Safety Standards. Through contacts with Ferrari dealers (to whom "gray market" cars are sometimes brought for service), FNA intends to monitor the conformance work done by Registered Importers. Should

Brussels Charlotte Chicago Cologne Frankfurt Houston London Los Angeles Manchester New York Palo Alto Paris Washington, D.C.  
Independent Mexico City Correspondent: Jauregui, Navarrete, Nader y Rojas, S.C.

Mayer, Brown, Rowe & Maw LLP operates in combination with our associated English limited liability partnership in the offices listed above.

**MAYER, BROWN, ROWE & MAW LLP**

Coleman Sachs, Esq.

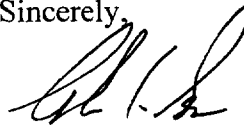
December 12, 2003

Page 2

FNA become aware that a Registered Importer has failed to carry out the necessary modifications of a "gray market" car, FNA will bring the matter to NHTSA's attention. In addition, FNA plans to use of the Freedom of Information Act to obtain and review conformance packages submitted to NHTSA by Registered Importers and emissions information submitted to EPA by Independent Commercial Importers.

FNA appreciates the opportunity to comment upon G&K's petition and urges the agency to hold G&K (and any other Registered Importer seeking to import nonconforming 2002 and 2003 Ferrari 575s) to the representations set forth in G&K's petition and in the Federal Register notice of October 28, 2003.

Sincerely,

A handwritten signature in black ink, appearing to read 'A.C. Sloane', written in a cursive style.

Adam C. Sloane

cc: Docket Management, Room PL-401 (by hand delivery)